

## **REMARKS**

The Office Action mailed January 16, 2007 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

### **I. Claims Summary**

Claims 57-60 are currently pending in the application, with claims 57 and 59 being independent claims. Claims 54 and 56 are cancelled and claim 59 is amended, in accordance with the above amendments.

The Office Action rejects claims 57-60 under 35 U.S.C. §112, first paragraph, as failing to comply with (a) the enablement requirement and (b) the written description requirement.

### **II. Discussion of Rejections**

#### *Discussion of Claims 57 and 58*

Independent claim 57 recites a method of manufacturing a textile for an article of apparel. The method includes a step of selecting a first yarn with a first degree of water absorbency and a first degree of dimensional-transformation upon exposure to water. A second yarn is also selected with a second degree of water absorbency and a second degree of dimensional-transformation upon exposure to the water. The first degree of dimensional-transformation is greater than the second degree of dimensional transformation. The first yarn and the second yarn are mechanically-manipulated to form a textile with a first surface and an opposite second surface. The first yarn is more concentrated adjacent to the first surface of the textile than the second yarn, and the second yarn is more concentrated adjacent to the second surface of the textile than the first yarn. The textile is modified from a first structure to a second structure upon exposure to the water. The second structure has a plurality of nodes in comparison with the first structure. The nodes extend outward from only the second surface of the textile, and the nodes are distributed to define spaces between the nodes that are located adjacent to each other.

According to the Office Action, independent claim 57 does not comply with the enablement requirement because the application fails to disclose how the fabric is formed or mechanically manipulated to allow nodes to be formed on one surface with the other surface staying substantially planar. Paragraphs 34 and 35 of the application disclose various yarn materials that dimensionally-transform in the presence of a physical stimulus, such as water. In

addition, Figures 12-15 show a textile 70 having a structure that forms nodes when exposed to the physical stimulus. Referring to paragraph 56, “In order to form textile 70, yarns 71 and 72 are mechanically-manipulated through a circular knitting process to form textile 70 with a double knit structure.” As stated in paragraph 57, “Whereas yarn 71 is formed from a material that dimensionally transforms in the presence of a physical stimulus, yarn 72 is formed from a dimensionally-stable yarn that is not significantly affected by the physical stimulus.... Yarn 71...is primarily positioned on one side of textile 70.... When exposed to the physical stimulus, yarn 71 transforms dimensionally, whereas yarn 72 remains dimensionally stable. The dimensions of yarn 71 increase when exposed to the physical stimulus and form a plurality of nodes on one side of textile 70.”

Applicants respectfully submit that one skilled in the relevant art would be able to select materials from the disclosure of paragraphs 34 and 35 and mechanically-manipulate the materials as shown in Figures 12-15 and discussed in paragraph 56 to form a textile with a double knit structure. In this structure, a plurality of nodes are formed on one side of the textile (i.e., the side with the yarn that dimensionally-transforms) when exposed to the physical stimulus.

According to the Office Action, independent claim 57 also does not comply with the written description requirement because the application fails to teach the nodes being formed on one surface of the modified structure, with the other surface being substantially flat. As stated in paragraph 57, “The dimensions of yarn 71 increase when exposed to the physical stimulus and form a plurality of nodes on one side of textile 70.” Similarly, paragraph 58 states that “exposing yarn 71 to the physical stimulus forms nodes on one side of textile 70.” As a final matter, although independent claim 57 recites that the nodes extend outward from only the second surface of the textile, independent claim 57 does not recite that the first surface is substantially flat when nodes extend from the second surface.

Based upon the above discussion, the Applicants respectfully submit that independent claim 57 complies with both with (a) the enablement requirement and (b) the written description requirement. In addition, claim 58 should be allowable for at least the same reasons.

#### *Discussion of Claims 59 and 60*

Independent claim 59 recites a method of manufacturing a textile for an article of apparel. The method includes a step of selecting a first yarn with a first degree of water absorbency and a first degree of dimensional-transformation upon exposure to water. A second yarn is selected

with a second degree of water absorbency and a second degree of dimensional-transformation upon exposure to the water. The first degree of water absorbency is less than the second degree of water absorbency, and the first degree of dimensional-transformation is less than the second degree of dimensional transformation. The first yarn and the second yarn are mechanically-manipulated to form a textile with a first surface and an opposite second surface. The first yarn is substantially concentrated adjacent to the first surface of the textile, and the second yarn is substantially concentrated adjacent to the second surface of the textile. The textile is modified from a first structure to a second structure upon exposure to the water. The first structure has a configuration wherein the first surface and the second surface are substantially planar, and the second structure has a configuration wherein a plurality of nodes extend outward from the second surface of the textile. The nodes are distributed to define spaces between the nodes that are located adjacent to each other, and the nodes are at least partially formed from both the first yarn and the second yarn.

According to the Office Action, independent claim 59 does not comply with the enablement requirement because the application fails to disclose how the fabric is formed or mechanically manipulated to allow nodes to be formed on one surface with the other surface staying substantially planar. Paragraphs 34 and 35 of the application disclose various yarn materials that dimensionally-transform in the presence of a physical stimulus, such as water. In addition, Figures 12-15 show a textile 70 having a structure that forms nodes when exposed to the physical stimulus. Referring to paragraph 56, "In order to form textile 70, yarns 71 and 72 are mechanically-manipulated through a circular knitting process to form textile 70 with a double knit structure." As stated in paragraph 57, "Whereas yarn 71 is formed from a material that dimensionally transforms in the presence of a physical stimulus, yarn 72 is formed from a dimensionally-stable yarn that is not significantly affected by the physical stimulus.... Yarn 71...is primarily positioned on one side of textile 70.... When exposed to the physical stimulus, yarn 71 transforms dimensionally, whereas yarn 72 remains dimensionally stable. The dimensions of yarn 71 increase when exposed to the physical stimulus and form a plurality of nodes on one side of textile 70."

Applicants respectfully submit that one skilled in the relevant art would be able to select materials from the disclosure of paragraphs 34 and 35 and mechanically-manipulate the materials as shown in Figures 12-15 and discussed in paragraph 56 to form a textile with a double knit

structure. In this structure, a plurality of nodes are formed on one side of the textile (i.e., the side with the yarn that dimensionally-transforms) when exposed to the physical stimulus.

According to the Office Action, independent claim 59 also does not comply with the written description requirement because the application fails to teach the nodes being formed on one surface of the modified structure, with the other surface being substantially flat. As stated in paragraph 57, "The dimensions of yarn 71 increase when exposed to the physical stimulus and form a plurality of nodes on one side of textile 70." Similarly, paragraph 58 states that "exposing yarn 71 to the physical stimulus forms nodes on one side of textile 70." As a final matter, although independent claim 57 recites that the nodes extend outward from only the second surface of the textile, independent claim 57 does not recite that the first surface is substantially flat when nodes extend from the second surface.

Based upon the above discussion, the Applicants respectfully submit that independent claim 59 complies with both with (a) the enablement requirement and (b) the written description requirement. In addition, claim 60 should be allowable for at least the same reasons.

### **III. Conclusion**

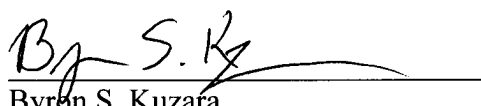
In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by through the Electronic Filing System on February 12, 2007. Should fees be deemed necessary for consideration of this Amendment, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 502846 for payment. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at 503.222.5382.

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Respectfully Submitted,

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